

THOMAS E. FRANKOVICH (State Bar No. 074414)

THOMAS E. FRANKOVICH,

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Attorneys for Plaintiffs

LES JANKEY

and DISABILITY RIGHTS

ENFORCEMENT, EDUCATION,

SERVICES: HELPING YOU

HELP OTHERS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LES JANKEY, an individual; and
DISABILITY RIGHTS, ENFORCEMENT,
EDUCATION, SERVICES: HELPING
YOU HELP OTHERS, a California public
benefit corporation,

Plaintiffs,

v.

DIRTY TRIX SALOON; MILLER-
RAVETTI CO., a California general
partnership; and LUMPY ENTERPRISES,
INC.,

Defendants.

CV-09-0922-MMC

**NOTICE OF ERRATA TO EX PARTE
APPLICATION FOR ADDITIONAL
TIME TO SERVE DEFENDANT
MILLER-RAVETTI CO., a California
general partnership AND [PROPOSED]
ORDER THEREON**

TO THE COURT, DEFENDANTS AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT inadvertently, the Ex Parte Application that was e-filed
on May 5, 2009, had the incorrect filing date of complaint regarding the above action.

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**NOTICE OF ERRATA TO EX PARTE APPLICATION FOR ADDITIONAL TIME TO SERVE DEFENDANT MILLER-RAVETTI
CO., a California general partnership AND [PROPOSED] ORDER THEREON**

1 The mistake has been corrected and the corrected EX PARTE APPLICATION FOR
2 ADDITIONAL TIME TO SERVE DEFENDANT MILLER-RAVETTI CO., a California general
3 partnership AND [PROPOSED] ORDER THEREON is attached hereto as Exhibit A.

4
5 Dated: May 6, 2009

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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7 By: _____/S/_____
8 Thomas E. Frankovich
9 Attorneys for Plaintiffs LES JANKEY and
10 DISABILITY RIGHTS ENFORCEMENT,
11 EDUCATION SERVICES
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Armetrice Cooper
(Original signed)

EXHIBIT A

1 THOMAS E. FRANKOVICH (State Bar No. 074414)

2 THOMAS E. FRANKOVICH,
 3 *A Professional Law Corporation*
 4328 Redwood Hwy., Suite 300
 3 San Rafael, CA 94903
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5 Attorneys for Plaintiffs
 6 LES JANKEY
 7 and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION,
 8 SERVICES: HELPING YOU
 HELP OTHERS

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 LES JANKEY, an individual; and)
 12 DISABILITY RIGHTS, ENFORCEMENT,)
 13 EDUCATION, SERVICES: HELPING)
 YOU HELP OTHERS, a California public)
 benefit corporation,)

14 Plaintiffs,)

15 v.)

16)
 17)
 18 DIRTY TRIX SALOON; MILLER-)
 RAVETTI CO., a California general)
 19 partnership; and LUMPY ENTERPRISES,)
 INC.,)

20 Defendants.)
 21)

CV-09-0922-MMC

**EX PARTE APPLICATION FOR
 ADDITIONAL TIME TO SERVE
 DEFENDANT MILLER-RAVETTI CO., a
 California general partnership AND
 [PROPOSED] ORDER THEREON**

22 This action was filed on March 3, 2009. Pursuant to General Order 56 and Civil Local
 23 Rule 7-11, plaintiffs were to have served defendants on or before May 4, 2009.

24 The defendants to this action are MILLER-RAVETTI CO., a California general
 25 partnership; and LUMPY ENTERPRISES, INC. Defendant LUMPY ENTERPRISES, INC.,
 26 accepted service by personal service on March 27, 2009, which plaintiffs' counsel filed the
 27 executed summons for this defendant on April 15, 2009. Defendant LUMPY ENTERPRISES,
 28 INC. answer is due on May 15, 2009.

1 Despite diligent efforts, plaintiffs have been unsuccessful in their attempts to serve
2 defendant MILLER-RAVETTI CO., a California general partnership with the summons and
3 complaint herein.

4 Plaintiffs' directed their process server to serve defendant at the initial service address
5 indicated on the summons (327 Bartlett Street, San Francisco, California 94110). Plaintiffs'
6 process server learned "Iso Rabins," is the current tenant that rents from defendant, MILLER-
7 RAVETTI CO., a California general partnership.

8 Plaintiffs' requested that the process server try and serve defendant MILLER-RAVETTI
9 CO., a California general partnership for service at an alternate address (436 Cornell Avenue,
10 San Mateo, California 94402), but the process server was not successful in this attempt either.
11 Per Neighbor, defendant was on vacation. Thereafter, plaintiffs' attempted to make several other
12 attempts to serve defendant MILLER-RAVETTI CO., a California general partnership with the
13 summons and complaint, but to no avail were they able to serve the defendant. Attached as
14 Exhibit "A" is the Affidavit of Reasonable Diligence from our process servers.

15 In light of the above described service difficulties, plaintiffs would respectfully request
16 that the last day for plaintiffs' to complete service on defendant be continued for a period of
17 60-days to allow plaintiffs' time to either succeed at or exhaust their service efforts, and
18 presuming that service is accomplished, to allow the defendant time to file a responsive pleading.

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1 Plaintiffs would also request that the last day for the parties and counsel to hold a joint
2 inspection of the premises be continued from June 11, 2009 to August 11, 2009, in order to give
3 all parties sufficient time to be served, appear, and meaningfully participate in the joint
4 inspection.

5 Respectfully submitted,

6
7 Dated: May 6, 2009

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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10 By: _____/s/
11 Thomas E. Frankovich
12 Attorneys for Plaintiffs LES JANKEY and
13 DISABILITY RIGHTS ENFORCEMENT,
14 EDUCATION SERVICES

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ORDER

IT IS SO ORDERED that plaintiffs have an additional sixty (60) days from the date of
this Order to serve defendant MILLER-RAVETTI CO., a California general partnership . IT IS
FURTHER ORDERED that the last day for the parties to hold the joint inspection of the
premises is continued to _____.

Dated: _____, 2009

Hon. Maxine M. Chesney
UNITED STATES District Judge

CERTIFICATE OR PROOF OF SERVICE

1 State of California)
2 County of Marin) ss
)

3 I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the
4 United States, over the age of eighteen (18) years and not a party to the within action or
5 proceeding; that my business address is 4328 Redwood Hwy, Suite 300, San Rafael, CA
94903; that on the below date, following normal business practice, I served the foregoing
document, described as:

6 **EX PARTE APPLICATION FOR ADDITIONAL TIME TO SERVE DEFENDANT**
7 **MILLER-RAVETTI CO., a California general partnership AND [PROPOSED] ORDER**
THEREON

8 on the interested parties in this action, conveyed as follows:

9 ☒ by transmitting via facsimile to the fax number(s) set forth below.

10 addressed to:

11 Housman Chitsaz, Esq
12 **NARDELL CHITSAZ & ALDEN LLP**
13 **(415) 457-1420**

14 I declare under penalty of perjury under the laws of the State of California that I am
15 employed in the office of a member of the bar of this court at whose direction the service was
16 made, and that the foregoing is true and correct. Executed this May 5, 2009, at San Rafael,
California.

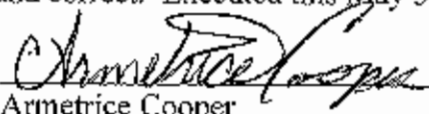
17 
Armetrice Cooper
18 (Original signed)

EXHIBIT A

Attorney or Party without Attorney THOMAS E FRANKOVICH (SBN 074414) THE FRANKOVICH GROUP 4328 REDWOOD HIGHWAY SUITE 300 SAN RAFAEL, CA 94903 Telephone No 415-444-5800 FAX No: 415-674-9900			<i>For Court Use Only</i>		
Ref No or File No DIRTY TRIX SALOON					
Insert name of Court, and Judicial District and Branch Court United States District Court Northern District Of California					
Plaintiff LES JANKEY, ET AL. Defendant: DIRTY TRIX SALOON, ET AL.					
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date.	Time.	Dept/Div	Case Number CV-09-0922-MMC

1. I, Eleanor Rios, and any employee or independent contractors retained by FIRST LEGAL SUPPORT SERVICES are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant MILLER-RAVETTI CO., a California general partnership as follows:

2. **Documents:** Summons In A Civil Action; Civil Cover Sheet; Complaint For Injunctive Relief And Damages; Welcome To The U.S. District Court, San Francisco; Ecf Registration Information Handout; Notice Of Availability Of Magistrate Judge To Exercise Jurisdiction; Scheduling Order For Cases Asserting Denial Of Right Of Access Under Americans With Disabilities Act Title II & III; Case Management Conference Order; Standing Order For Civil Cases Assigned To The Honorable Maxine M. Chesney; Contents Of Joint Case Management Statement; Letter Dated March 18, 2009..

Day	Date	Time	Location	Results
Tue	03/24/09	8:00pm	Home	ISO RABINS IS THE CURRENT TENANT AND RENTS FROM DANTE RAVETTI. NO OTHER INFORMATION AVAILABLE. Attempt made by: ANDY ESQUER, Registration #2007-0001009 San Francisco County. Attempt at: 327 BARTLETT STREET SAN FRANCISCO CA. 94110.
Wed	04/01/09	7:47pm	Home	NO ANSWER. NO ACTIVITY. PER NEIGHBOR. THE SUBJECTS ARE AWAY ON A TRIP, RETURN DATE UNKNOWN. Attempt made by: Eleanor Rios. Attempt at: 436 CORNELL AVENUE SAN MATEO CA. 94402
Mon	04/06/09	5:04pm	Home	NO ANSWER, NO ACTIVITY. NO ANSWER AT BOTH NEIGHBORS. Attempt made by: Eleanor Rios. Attempt at: 436 CORNELL AVENUE SAN MATEO CA 94402.
Tue	04/07/09	6:31am	Home	NO ANSWER, NO CHANGE. Attempt made by: Eleanor Rios. Attempt at: 436 CORNELL AVENUE SAN MATEO CA. 94402.
Sun	04/12/09	7:12pm	Home	NO ANSWER, NO CHANGE. PER NEIGHBOR, SUBJECT SHOULD BE BACK ON 4-13. Attempt made by: Eleanor Rios. Attempt at: 436 CORNELL AVENUE SAN MATEO CA. 94402
Mon	04/13/09	8:52pm	Home	NO ANSWER. NO ACTIVITY NO LIGHTS. Attempt made by: Eleanor Rios. Attempt at: 436 CORNELL AVENUE SAN MATEO CA. 94402.

Attorney or Party, without Attorney: THOMAS E. FRANKOVICH (SBN 074414) THE FRANKOVICH GROUP 4328 REDWOOD HIGHWAY SUITE 300 SAN RAFAEL, CA 94903 Telephone No 415-444-5800 FAX No 415-674-9900		For Court Use Only	
Ref. No or File No : DIRTY TRIX SALOON			
Insert name of Court and Judicial District and Branch Court: United States District Court Northern District Of California			
Plaintiff LES JANKEY, ET AL. Defendant DIRTY TRIX SALOON, ET AL.			
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date:	Time:
		Dept/Div:	Case Number CV-09-0922-MMC

SUMMONS IN A CIVIL

Day	Date	Time	Location	Results
Tue	04/14/09	1:50pm	Home	Returned Not Served on: MILLER-RAVETTI CO., a California general partnership Home - 436 CORNELL AVENUE SAN MATEO, CA. 94402

3. Person Executing

- a. Eleanor Rios
b. **FIRST LEGAL SUPPORT SERVICES**
1138 HOWARD ST.
SAN FRANCISCO, CA 94103
c. (415)626-3111

Recoverable Costs Per CCP 1033.5(a)(4)(B)

d. The Fee for service was:

- e. I am: (3) registered California process server
(i) Independent Contractor
(ii) Registration No.: 984
(iii) County: San Francisco

4 I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

